

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Applicant:	White Jr.	Examiner:	Levine, Adam L.
Title:	METHOD, SYSTEM AND PROGRAM PRODUCT FOR MANAGING ITEMS AVAILABLE FOR ELECTRONIC PURCHASE	Docket No.:	END920030046US1 (IBME-0087)

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**BRIEF OF APPELLANT**

This is an appeal from the Final Rejection dated 12/02/2010, rejecting claims 1, 2, 5-8 and 10-22. This Brief is accompanied by the requisite fee set forth in 37 C.F.R. 1.17(c).

**REAL PARTY IN INTEREST**

International Business Machines Corp. is the real party in interest.

**RELATED APPEALS AND INTERFERENCES**

There are no related appeals or interferences.

## **STATUS OF CLAIMS**

As filed, this case included claims 1-22. Claims 1, 2, 5-8, and 10-22 remain pending, with claims 3-4 and 9 previously cancelled. Accordingly, claims 1, 2, 5-8, and 10-22 stand rejected and form the basis of this appeal.

## **STATUS OF AMENDMENTS**

No amendment to the claims has been submitted subsequent to the Final Office Action dated 02 December 2010.

## **SUMMARY OF CLAIMED SUBJECT MATTER**

Claim 1 claims a method, executed on at least one computer device (e.g., 112, Figure 4; Para. 24), of managing items available for electronic purchase (e.g., Para. 19), the method comprising: storing, on the at least one computer device (e.g., 112, Figure 4; Para. 24), the items (e.g., 56A-B, Figure 1; Para. 19) in a hierarchical structure (e.g., 50, Figure 1; Para. 19-20), wherein each of the items is located using a database search query for each level of the hierarchical structure (e.g., 50, Figure 1; Para. 19-20) and a page is dynamically generated (e.g., Para. 22), for a user (e.g., 126, Figure 4; Para. 23) at a user device (e.g., 128, Figure 4; Para. 23), based on a result of the query, wherein the query returns a set of records containing the items based on a level of the hierarchical structure selected and queried (e.g., Para. 22); storing, on the at least one computer device (e.g., 112, Figure 4; Para. 24), historical data corresponding to operations performed by each of a plurality of users in order to locate an item in the hierarchical structure, wherein the operations include each level and corresponding category of the hierarchical structure which were navigated by the plurality of users in order to locate the item

(e.g., Para. 33); identifying, by the at least one computer device (e.g., 112, Figure 4; Para. 24), at least one high frequency item corresponding to a high level page by analyzing the historical data to identify at least one item that is most frequently located from a high level of the hierarchical structure corresponding to the high level page (e.g., Para. 33-34), receiving a request for a high level page on the at least one computer device, the high level page corresponding to a high level of the hierarchical structure (e.g., Para. 19); and automatically generating, on the at least one computer device (e.g., 112, Figure 4; Para. 24), the high level page using the query for the corresponding high level of the hierarchical structure and the identified at least one high frequency item to display the at least one high frequency item on the high level page, wherein the high level page is dynamically generated by the at least one computer device (e.g., 112, Figure 4; Para. 24) in response to receiving the request for the high level page (e.g., Para. 22).

Claim 8 claims a method, executed on at least one computer device (e.g., 112, Figure 4; Para. 24), of managing items available for electronic purchase, the method comprising: storing, on the at least one computer device (e.g., 112, Figure 4; Para. 24), the items (e.g., 56A-B, Figure 1; Para. 19) in a hierarchical structure (e.g., 50, Figure 1; Para. 19-20), wherein each of the items is located using a database search query for each level of the hierarchical structure (e.g., 50, Figure 1; Para. 19-20) and a page is dynamically generated (e.g., Para. 22), for a user (e.g., 126, Figure 4; Para. 23) at a user device (e.g., 128, Figure 4; Para. 23), based on a result of the query, wherein the query returns a set of records containing the items based on a level of the hierarchical structure selected and queried (e.g., Para. 22); identifying, by the at least one computer device (e.g., 112, Figure 4; Para. 24), a plurality of high frequency items corresponding to a high level page (e.g., Para. 22), wherein the plurality of high frequency items are items that are frequently located from a corresponding level of the hierarchical structure; presenting, on the

at least one computer device (e.g., 112, Figure 4; Para. 24), the plurality of high frequency items to an administrator for a group of users (e.g., Para. 30); receiving a selection, on the at least one computer device (e.g., 112, Figure 4; Para. 24), of at least one item by the administrator for display on the high level page for each user in the group of users, wherein the selection determines which high frequency item of the identified plurality of high frequency items is displayed, if the high frequency item is displayed on a highest level page or the high level page and on which high level page the high frequency item is displayed, and wherein the selection can comprise an item that is not a high frequency item to be displayed on the highest level page or the high level page (e.g., Para. 30); receiving a request for the high level page on the at least one computer device (e.g., 112, Figure 4; Para. 24) from a user in the group of users (e.g., Para. 19); and automatically generating, on the at least one computer device (e.g., 112, Figure 4; Para. 24), the high level page using the query for a corresponding level of the hierarchical structure and the selected at least one item for the high level page to display on the high level page, wherein the high level page is dynamically generated by the at least one computer device (e.g., 112, Figure 4; Para. 24) in response to receiving the request for the high level page (e.g., Para. 22).

Claim 14 claims a system (e.g., 100, Figure 4; Para. 23) for managing items available for electronic purchase, the system comprising: at least one computer device (e.g., 112, Figure 4; Para. 24) comprising: a storage system (e.g., 124, Figure 4; Para. 24) for storing the items (e.g., 56A-B, Figure 1; Para. 19) in a hierarchical structure (e.g., 50, Figure 1; Para. 19-20), wherein each of the items is located using a database search query for each level of the hierarchical structure (e.g., 50, Figure 1; Para. 19-20) and a page is dynamically generated (e.g., Para. 22), for a user (e.g., 126, Figure 4; Para. 23) at a user device (e.g., 128, Figure 4; Para. 23), based on a result of the query, wherein the query returns a set of records containing the items based on a

level of the hierarchical structure selected and queried (e.g., Para. 22); a storage system (e.g., 124, Figure 4; Para. 24) for storing historical data corresponding to operations performed by each of a plurality of users in order to locate an item in the hierarchical structure, wherein the operations include each level and corresponding category of the hierarchical structure which were navigated by the plurality of users in order to locate the item (e.g., Para. 33); a frequency system (e.g., 140, Figure 4; Para. 27) for identifying at least one high frequency item corresponding to a high level page by analyzing the historical data to identify at least one item that is most frequently located from a high level of the hierarchical structure corresponding to the high level page (e.g., Para. 33-34); a system (e.g., 130, Figure 4; Para. 27) for receiving a request for a high level page on the at least one computer device, the high level page corresponding to a high level of the hierarchical structure (e.g., Para. 19); and a display system (e.g., 132, Figure 4; Para. 28) for automatically generating the high level page using the query for the corresponding high level of the hierarchical structure and the identified at least one high frequency item, wherein the high level page is dynamically generated by the at least one computer device (e.g., 112, Figure 4; Para. 24) in response to receiving the request for the high level page (e.g., Para. 22).

Claim 19 claims a computer program product (e.g., Para. 36) stored on a non-transitory computer readable medium for managing items available for electronic purchase, which when executed comprises: program code for storing the items (e.g., 56A-B, Figure 1; Para. 19) in a hierarchical structure (e.g., 50, Figure 1; Para. 19-20), wherein each of the items is located using a database search query for each level of the hierarchical structure (e.g., 50, Figure 1; Para. 19-20) and a page is dynamically generated (e.g., Para. 22), for a user (e.g., 126, Figure 4; Para. 23) at a user device (e.g., 128, Figure 4; Para. 23), based on a result of the query, wherein the query

returns a set of records containing the items based on a level of the hierarchical structure selected and queried (e.g., Para. 22); program code for storing historical data corresponding to operations performed by each of a plurality of users in order to locate an item in the hierarchical structure, wherein the operations include each level and corresponding category of the hierarchical structure which were navigated by the plurality of users in order to locate the item (e.g., Para. 33); program code for identifying at least one high frequency item corresponding to a high level page by analyzing the historical data to identify at least one item that is most frequently located from a high level of the hierarchical structure corresponding to the high level page (e.g., Para. 33-34); program code for receiving a request for a high level page on the at least one computer device, the high level page corresponding to a high level of the hierarchical structure (e.g., Para. 19); and program code for automatically generating the high level page using the query for the corresponding high level of the hierarchical structure and the identified high frequency item, wherein the high level page is dynamically generated by the at least one computer device (e.g., 112, Figure 4; Para. 24) in response to receiving the request for the high level page (e.g., Para. 22).

## **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

- I. Claims 8 and 10-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  
- II. Claims 1-2, 5-8, and 10-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Spiegel (Paper #051102; US Patent No. 6,466,918).

## ARGUMENT

### I. Rejection of claims 8 and 10-13 under 35 U.S.C. 112, second paragraph

Appellant respectfully submits that the rejection under 35 U.S.C. 112, second paragraph, is defective and requests reversal thereof for the following reasons. In the Final Office Action, the Examiner contends that claim 8 is allegedly ‘almost entirely indefinite’ (Final Office Action, Page 5) because “it cannot be determined whether the selection is made by the administrator or merely received by the administrator.” (Final Office Action, Page 5). Further, the Examiner asserts that the last clause of ‘wherein the selection can comprise an item that is not a high frequency item to be displayed’ negates the previously recited elements. Initially, Appellant notes that the claim recites method steps including storing, identifying, and presenting that are clearly definite and provide context to the features of the claim. For instance, items are stored in a hierarchical structure, a plurality of high frequency items corresponding to a high level page are identified, and the plurality of high frequency items are presented to an administrator. (Claim 8). It would be clear to one skilled in the art that the selection is made by the administrator as supported in the claim language. The feature states “receiving a selection, on the at least one computer device, of at least one item **by the administrator** for display.” (Claim 8, emphasis added). Appellant asserts that the claim clearly states that the selection of at least one item is by an administrator and that it is received on a computer device. Appellant fails to see how this could be misconstrued. A selection by an administrator received on a computer device is not indefinite, but rather distinctly claims the subject matter. To this extent, Appellant respectfully submits the claim is clear.

Furthermore, Appellant respectfully submits that the limitation is not an optional or indefinite step. Rather, the claim defines the method, and this receiving a selection step requires



a selection by an administrator. In light of the final clause of the step, if an item is selected which is not a high frequency item, the other method steps are still performed and nothing is negated. For instance, the selection could include a high frequency item as well as an item which is not a high frequency item. Appellant's specification provides example of embodiments where this is applicable. The scope of the claim is unaltered by such a selection and the claim is clear and distinct.

In light of the above, Appellant respectfully requests reversal of the Examiner's rejection of claim 8, as well as claims 10-13 which were rejected for their dependency.

## **II. Rejection of claims 1-2, 5-8, and 10-22 under 35 U.S.C. 102(b) as allegedly being anticipated by Spiegel**

Appellant respectfully submits that the rejections of claims 1-2, 5-8, and 10-22 as allegedly being anticipated by Spiegel are defective and request reversal thereof for the following reasons.

### **Independent Claim 1**

Appellant respectfully submits that the Examiner fails to show that the cited reference discloses each and every feature of claim 1.

For example, with respect to claim 1, the Examiner fails to show that Spiegel discloses "storing, on the at least one computer device, historical data corresponding to operations performed by each of a plurality of users in order to locate an item in the hierarchical structure, wherein the operations include each level and corresponding category of the hierarchical structure which were navigated by the plurality of users in order to locate the item" as in claim 1.

In the rejection, the Examiner cites Spiegel, Figs. 1-4, 5, 7, 9, 11; Col. 1, Line 60-Col. 2, Line 4; Col. 2, Lines 26-36; Col. 6, Lines 5-20; and Col. 9, Line 64-Col. 10, Line 26 as allegedly disclosing storing historical data corresponding to operations performed by each of a plurality of users to locate an item. Initially, Appellant notes that these portion of Spiegel fail to disclose that the operations stored include each level and corresponding category of the hierarchical structure navigated by a plurality of users as in claim 1.

In particular, Col. 1, Line 60 to Col. 2, Line 4 and Col. 2, Lines 26-36 of Spiegel describe elevating certain nodes based on their popularity, rather than specific operations performed in order to navigate to an item. In fact, Spiegel makes no specific reference to any methods here except for “automatically identifying the most “popular” nodes (categories and/or items) within a browse tree.” (Spiegel, Col. 1, Lines 62-63). These popular nodes can then be elevated, “when the user selects a particular non-leaf category... the most popular items corresponding to the selected category may be displayed together.” (Spiegel, Col. 2, Lines 29-32). With no specific teaching of determining the “popularity” in Spiegel, the method is not equivalent to Appellant’s claimed historical data. Further, Col. 6, Lines 5-20 of Spiegel discuss recording and storing which items are browsed or purchased within a time frame, however this portion makes no reference to storing the specific actions taken to locate a certain item. Finally, Col. 9 Line 64 to Col. 10 Line 26 of Spiegel discusses keeping a record of all purchases made by a user and if there was any web activity as well, which is clearly user specific and not based on “operations performed by each of a plurality of users” (Claim 1) as claimed by Appellant. Appellant posits that Spiegel fails to disclose the historical data stored in claim 1, and since identifying at least one high frequency item is based on this historical data, simply elevating nodes based on current popularity is not equivalent to this feature.

Appellant asserts that as should be clear from the discussion above, no portion of Spiegel discloses features equivalent to storing the historical data corresponding to operations performed by each of a plurality of users to locate an item in the hierarchical structure.

As a result, the cited portions of Spiegel fails to disclose storing historical data corresponding to operations performed by each of a plurality of users in order to locate an item as in claim 1.

In light of the above, Appellant respectfully submits that the Examiner has failed to show that Spiegel discloses each and every feature of claim 1. As a result, Appellant respectfully requests reversal of the rejection of claim 1 and claims 2 and 5-7, which depend therefrom, as allegedly being anticipated by Spiegel.

### **Claim 2**

Since claim 2 depends from claim 1, which Appellant has argued *supra* to not be anticipated by Spiegel under 35 U.S.C. § 102(b), Appellant maintains that claim 2 is likewise not anticipated by Spiegel under 35 U.S.C. § 102(b) for at least the reasons given above.

With further regard to claim 2, Appellant submits that Spiegel fails to disclose the feature of, *inter alia*, “presenting the at least one high frequency item to an administrator; and receiving a selected at least one high frequency item for display on the high level page, wherein the administrator determines if the at least one high frequency item is displayed on a high level page and on which high level page the at least one high frequency item is displayed.” The Examiner cites the abstract as well as a number of portions of Spiegel as allegedly disclosing this. (Final Office Action, Page 7-8). However, of the passages cited, only Col. 15, Lines 10-25 discusses the role of an Administrator. This portion of Spiegel discloses that the Administrator can tune the system by changing the weighting of different user activity, such as the tracking of whether a

selection is click-through, purchase, search, rating, or added to a shopping cart. Clearly, the Administrator is only weighting actions, and not being presented with at least one high frequency item and selecting a high frequency item and on which high level page to display the item. Spiegel in fact discloses that the nodes are automatically elevated, see at least Abstract, and as such teaches directly away from this approach. Accordingly, claim 2 is clearly not anticipated by Spiegel.

#### **Claim 5**

Since claim 5 depends from claim 1, which Appellant has argued *supra* to not be anticipated by Spiegel under 35 U.S.C. § 102(b), Appellant maintains that claim 5 is likewise not anticipated by Spiegel under 35 U.S.C. § 102(b) for at least the reasons given above.

#### **Claim 6**

Since claim 6 depends from claim 1, which Appellant has argued *supra* to not be anticipated by Spiegel under 35 U.S.C. § 102(b), Appellant maintains that claim 6 is likewise not anticipated by Spiegel under 35 U.S.C. § 102(b) for at least the reasons given above.

#### **Claim 7**

Since claim 7 depends from claim 1, which Appellant has argued *supra* to not be anticipated by Spiegel under 35 U.S.C. § 102(b), Appellant maintains that claim 7 is likewise not anticipated by Spiegel under 35 U.S.C. § 102(b) for at least the reasons given above.

#### **Independent Claim 8**

With respect to independent claim 8, Appellant submits that the Examiner fails to show that Spiegel discloses each and every feature of the claimed invention.

For example, for reasons that should be clear from the discussion of Spiegel above, Appellant submits that the cited reference fails to disclose the method of claim 8. Further, Appellant submits that Spiegel fails to disclose the feature of, *inter alia*, “wherein the selection determines which high frequency item of the identified plurality of high frequency items is displayed, if the high frequency item is displayed on a highest level page or the high level page and on which high level page the high frequency item is displayed, and wherein the selection can comprise an item that is not a high frequency item to be displayed on the highest level page or the high level page.” Of the passages of Spiegel cited by the Examiner, only Col. 15, Lines 10-25 discusses the role of an Administrator. However, Spiegel discloses that the Administrator can tune the system by changing the weighting of different user activity, such as the tracking of whether a selection is click-through, purchase, search, rating, or added to a shopping cart. Clearly, the Administrator is only weighting actions, and not selecting which high frequency item of a plurality of high frequency items is to be displayed and at what level. Accordingly, Spiegel fails to disclose each and every feature of independent claim 8.

Accordingly, Appellant respectfully requests reversal of the rejections of claim 8 and claims 10-13, which depend therefrom, as allegedly being anticipated by Spiegel.

#### **Claim 10**

Since claim 10 depends from claim 8, which Appellant has argued *supra* to not be anticipated by Spiegel under 35 U.S.C. § 102(b), Appellant maintains that claim 10 is likewise not anticipated by Spiegel under 35 U.S.C. § 102(b) for at least the reasons given above.

#### **Claim 11**

Since claim 11 depends from claim 8, which Appellant has argued *supra* to not be anticipated by Spiegel under 35 U.S.C. § 102(b), Appellant maintains that claim 11 is likewise not anticipated by Spiegel under 35 U.S.C. § 102(b) for at least the reasons given above.

#### **Claim 12**

Since claim 12 depends from claim 8, which Appellant has argued *supra* to not be anticipated by Spiegel under 35 U.S.C. § 102(b), Appellant maintains that claim 12 is likewise not anticipated by Spiegel under 35 U.S.C. § 102(b) for at least the reasons given above.

#### **Claim 13**

Since claim 13 depends from claim 8, which Appellant has argued *supra* to not be anticipated by Spiegel under 35 U.S.C. § 102(b), Appellant maintains that claim 13 is likewise not anticipated by Spiegel under 35 U.S.C. § 102(b) for at least the reasons given above.

#### **Independent Claim 14**

With respect to claim 14, Appellant submits that the Examiner fails, *inter alia*, to show Spiegel discloses a system for managing items available for electronic purchase that includes all the features claimed therein. For example, for reasons that should be clear from the discussion of the cited reference above, Appellant submits that Spiegel fails to disclose the system of claim 14, including a storage system for storing historical data corresponding to operations performed by each of a plurality of users in order to locate an item in the hierarchical structure, wherein the operations include each level and corresponding category of the hierarchical structure which were navigated by the plurality of users in order to locate the item. As a result, Appellant respectfully requests reversal of the rejections of claim 14 and claims 15-18, which depend therefrom, as allegedly being anticipated by Spiegel.

**Claim 15**

Since claim 15 depends from claim 14, which Appellant has argued *supra* to not be anticipated by Spiegel under 35 U.S.C. § 102(b), Appellant maintains that claim 15 is likewise not anticipated by Spiegel under 35 U.S.C. § 102(b) for at least the reasons given above.

**Claim 16**

Since claim 16 depends from claim 14, which Appellant has argued *supra* to not be anticipated by Spiegel under 35 U.S.C. § 102(b), Appellant maintains that claim 16 is likewise not anticipated by Spiegel under 35 U.S.C. § 102(b) for at least the reasons given above.

**Claim 17**

Since claim 17 depends from claim 14, which Appellant has argued *supra* to not be anticipated by Spiegel under 35 U.S.C. § 102(b), Appellant maintains that claim 17 is likewise not anticipated by Spiegel under 35 U.S.C. § 102(b) for at least the reasons given above.

**Claim 18**

Since claim 18 depends from claim 14, which Appellant has argued *supra* to not be anticipated by Spiegel under 35 U.S.C. § 102(b), Appellant maintains that claim 18 is likewise not anticipated by Spiegel under 35 U.S.C. § 102(b) for at least the reasons given above.

**Independent Claim 19**

With respect to claim 1194, Appellant submits that the Examiner fails, *inter alia*, to show Spiegel discloses a computer program product stored on a non-transitory computer readable medium for managing items available for electronic purchase that includes all the features claimed therein. For example, for reasons that should be clear from the discussion of the cited reference above, Appellant submits that Spiegel fails to disclose the program product of claim

19, including program code for storing historical data corresponding to operations performed by each of a plurality of users in order to locate an item in the hierarchical structure, wherein the operations include each level and corresponding category of the hierarchical structure which were navigated by the plurality of users in order to locate the item. As a result, Appellant respectfully requests reversal of the rejections of claim 19 and claims 20-22, which depend therefrom, as allegedly being anticipated by Spiegel.

**Claim 20**

Since claim 20 depends from claim 19, which Appellant has argued *supra* to not be anticipated by Spiegel under 35 U.S.C. § 102(b), Appellant maintains that claim 20 is likewise not anticipated by Spiegel under 35 U.S.C. § 102(b) for at least the reasons given above.

**Claim 21**

Since claim 21 depends from claim 19, which Appellant has argued *supra* to not be anticipated by Spiegel under 35 U.S.C. § 102(b), Appellant maintains that claim 21 is likewise not anticipated by Spiegel under 35 U.S.C. § 102(b) for at least the reasons given above.

**Claim 22**

Since claim 22 depends from claim 19, which Appellant has argued *supra* to not be anticipated by Spiegel under 35 U.S.C. § 102(b), Appellant maintains that claim 22 is likewise not anticipated by Spiegel under 35 U.S.C. § 102(b) for at least the reasons given above.



**V. Conclusion**

In summary, Appellant submits that independent claims 1, 8, 14, and 19 are allowable over the cited art because the Examiner's use of Spiegel fails to present a *prima facie* showing that each element of the claimed inventions is disclosed by the cited art. Additionally, Appellant respectfully submits that all other pending claims are allowable over the cited art by, *inter alia*, dependency.

Respectfully submitted,

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## CLAIMS APPENDIX

### Claim Listing:

1. A method, executed on at least one computer device, of managing items available for electronic purchase, the method comprising:

storing, on the at least one computer device, the items in a hierarchical structure, wherein each of the items is located using a database search query for each level of the hierarchical structure and a page is dynamically generated, for a user at a user device, based on a result of the query, wherein the query returns a set of records containing the items based on a level of the hierarchical structure selected and queried;

storing, on the at least one computer device, historical data corresponding to operations performed by each of a plurality of users in order to locate an item in the hierarchical structure, wherein the operations include each level and corresponding category of the hierarchical structure which were navigated by the plurality of users in order to locate the item;

identifying, by the at least one computer device, at least one high frequency item corresponding to a high level page by analyzing the historical data to identify at least one item that is most frequently located from a high level of the hierarchical structure corresponding to the high level page,

receiving a request for a high level page on the at least one computer device, the high level page corresponding to a high level of the hierarchical structure; and

automatically generating, on the at least one computer device, the high level page using the query for the corresponding high level of the hierarchical structure and the identified at least one high frequency item to display the at least one high frequency item on the high level page,

wherein the high level page is dynamically generated by the at least one computer device in response to receiving the request for the high level page.

2. The method of claim 1, the identifying including:

presenting the at least one high frequency item to an administrator; and

receiving a selected at least one high frequency item for display on the high level page, wherein the administrator determines if the at least one high frequency item is displayed on a high level page and on which high level page the at least one high frequency item is displayed.

5. The method of claim 1, wherein the automatically generating step includes obtaining the query for each level based on the stored operations.

6. The method of claim 1, further comprising maintaining a record of the frequency that each of the items has been purchased.

7. The method of claim 6, wherein a separate record of the frequency of purchase of each of the items is maintained for each of a plurality of groups of users.

8. A method, executed on at least one computer device, of managing items available for electronic purchase, the method comprising:

storing, on the at least one computer device, the items in a hierarchical structure, wherein each of the items is located using a database search query for each level of the hierarchical structure and a page is dynamically generated, for a user at a user device, based on a result of the

query, wherein the query returns a set of records containing the items based on a level of the hierarchical structure selected and queried;

identifying, by the at least one computer device, a plurality of high frequency items corresponding to a high level page, wherein the plurality of high frequency items are items that are frequently located from a corresponding level of the hierarchical structure;

presenting, on the at least one computer device, the plurality of high frequency items to an administrator for a group of users;

receiving a selection, on the at least one computer device, of at least one item by the administrator for display on the high level page for each user in the group of users, wherein the selection determines which high frequency item of the identified plurality of high frequency items is displayed, if the high frequency item is displayed on a highest level page or the high level page and on which high level page the high frequency item is displayed, and wherein the selection can comprise an item that is not a high frequency item to be displayed on the highest level page or the high level page;

receiving a request for the high level page on the at least one computer device from a user in the group of users; and

automatically generating, on the at least one computer device, the high level page using the query for a corresponding level of the hierarchical structure and the selected at least one item for the high level page to display on the high level page, wherein the high level page is dynamically generated by the at least one computer device in response to receiving the request for the high level page.

10. The method of claim 8, further comprising separately maintaining records of frequencies that each of the items has been purchased for a plurality of groups of users.

11. The method of claim 8, further comprising storing the operations performed by users in the group of users to select an item in the hierarchical structure.

12. The method of claim 11, wherein the identifying step includes analyzing the stored operations.

13. The method of claim 8, further comprising storing the operations performed by users in the group of users to select an item in the hierarchical structure, wherein the automatically generating step includes obtaining the query for each level based on the stored operations.

14. A system for managing items available for electronic purchase, the system comprising:

at least one computer device comprising:

a storage system for storing the items in a hierarchical structure, wherein each of the items is located using a database search query for each level of the hierarchical structure and a page is dynamically generated, for a user at a user device, based on a result of the query, wherein the query returns a set of records containing the items based on a level of the hierarchical structure selected and queried;

a storage system for storing historical data corresponding to operations performed by each of a plurality of users in order to locate an item in the hierarchical structure, wherein the

operations include each level and corresponding category of the hierarchical structure which were navigated by the plurality of users in order to locate the item;

a frequency system for identifying at least one high frequency item corresponding to a high level page by analyzing the historical data to identify at least one item that is most frequently located from a high level of the hierarchical structure corresponding to the high level page;

a system for receiving a request for a high level page, the high level page corresponding to a high level of the hierarchical structure; and

a display system for automatically generating the high level page using the query for the corresponding high level of the hierarchical structure and the identified at least one high frequency item, wherein the high level page is dynamically generated by the at least one computer device in response to receiving the request for the high level page.

15. The system of claim 14, further comprising a selection system for selecting an item in the hierarchical structure, and storing the operations performed to select the item.

16. The system of claim 14, wherein the frequency system separately maintains records of frequencies that each of the items has been purchased for each of a plurality of groups of users.

17. The system of claim 14, further comprising an administration system for allowing an administrator for a group of users to select at least one high frequency item for display on the high level page.

18. The system of claim 14, further comprising an identification system for identifying a user.

19. A computer program product stored on a non-transitory computer readable medium for managing items available for electronic purchase, which when executed comprises:

program code for storing the items in a hierarchical structure, wherein each of the items is located using a database search query for each level of the hierarchical structure and a page is dynamically generated, for a user at a user device, based on a result of the query, wherein the query returns a set of records containing the items based on a level of the hierarchical structure selected and queried;

program code for storing historical data corresponding to operations performed by each of a plurality of users in order to locate an item in the hierarchical structure, wherein the operations include each level and corresponding category of the hierarchical structure which were navigated by the plurality of users in order to locate the item;

program code for identifying at least one high frequency item corresponding to a high level page by analyzing the historical data to identify at least one item that is most frequently located from a high level of the hierarchical structure corresponding to the high level page;

program code for receiving a request for a high level page on the at least one computer device, the high level page corresponding to a high level of the hierarchical structure; and

program code for automatically generating the high level page using the query for the corresponding high level of the hierarchical structure and the identified high frequency item, wherein the high level page is dynamically generated by the at least one computer device in response to receiving the request for the high level page.

20. The program product of claim 19, further comprising program code for selecting an item in the hierarchical structure, and storing the operations performed to select the item.

21. The program product of claim 19, further comprising program code for separately maintaining records of frequencies that each of the items has been purchased for each of a plurality of groups of users.

22. The program product of claim 19, further comprising program code for allowing an administrator for a group of users to select at least one high frequency item for display on the high level page.



## **EVIDENCE APPENDIX**

No evidence has been entered and relied upon in the appeal.

## **RELATED PROCEEDINGS APPENDIX**

No decisions rendered by a court or the Board in any proceeding are identified in the related appeals and interferences section.